

FILED
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 RICHARD H. WIERING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No. CR 3-05-70327-EDL
Plaintiff,)	
v.)	[PROPOSED] ORDER EXCLUDING
)	TIME UNDER THE SPEEDY TRIAL ACT
THOMAS KEITH CASEBEER,)	
Defendant.)	

This matter came on the calendar of the Elizabeth D. Laporte on May 26, 2005 for identification of counsel and to set a removal hearing. Edward Swanson, Esq., made a general appearance on behalf of the defendant. The Court continued the matter until June 16, 2005 at 9:30 a.m. before the Honorable Maria Elena James for further status and to set a removal hearing.

The parties requested an exclusion of time under the Speedy Trial Act from May 26 through June 16, 2005 on two bases. First, counsel for the defendant, Edward Swanson, Esq., will need time to review discovery which has not yet been provided from the District of Guam. Second, time is excludable based upon delay resulting from the transfer of a case or the removal

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 UNDER THE SPEEDY TRIAL ACT

1 of a defendant from another district. See 18 U.S.C. § 3161(h)(1)(G). The parties agree that the
 2 time from May 26 through June 16, 2005 should be excluded in computing the time within which
 3 trial shall commence.

4 Accordingly, the Court HEREBY ORDERS that the time from May 26 through June 16,
 5 2005 is excluded under the Speedy Trial Act as delay resulting from the transfer of a case or the
 6 removal of a defendant from another district. See 18 U.S.C. § 3161(h)(1)(G). Additionally, the
 7 Court HEREBY ORDERS that the time from May 26 through June 16, 2005 is excluded under
 8 the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the failure to grant the requested
 9 exclusion would deny the defendant reasonable time necessary for effective preparation, taking
 10 into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The Court finds
 11 that the ends of justice served by granting the requested exclusion outweigh the best interest of
 12 the public and the defendant in a speedy trial and in the prompt disposition of criminal cases.
 13 See 18 U.S.C. § 3161(h)(8)(A). The Court therefore concludes that this exclusion of time should
 14 be made under 18 U.S.C. § 3161(h)(8)(A).

15 SO ORDERED.

16
 17 DATED:

June 7, 2005

Elizabeth D. Laporte
 HONORABLE ELIZABETH D. LAPORTE
 UNITED STATES DISTRICT JUDGE
 MAGISTRATE

18
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 20 Approved as to form:

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 22 *see fax signature*
 EDWARD SWANSON
 23 Attorney for Defendant

24 *Monica Fernandez*
 25 MONICA FERNANDEZ
 26 Assistant United States Attorney
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14 be made under 18 U.S.C. § 3161(h)(8)(A).

15 SO ORDERED.

16
17 DATED:

HONORABLE ELIZABETH D. LAPORTE
UNITED STATES DISTRICT JUDGE
MAGISTRATE

18
19
20 Approved as to form:

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22 EDWARD SWANSON
23 Attorney for Defendant

24
25 MONICA FERNANDEZ
26 Assistant United States Attorney
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CERTIFICATE OF SERVICE

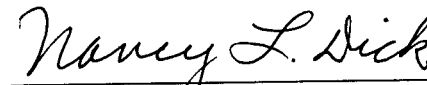
The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of the **ORDER EXCLUDING TIME UNDER THE SPEEDY TRIAL ACT** in United States v. Thomas Keith Casebeer, Case No. CR 3-05-70327 EDL to be served upon the person(s) below at the place and address(es) which is the last known address:

Via U. S. Mail

**Edward Swanson, Esquire
Swanson and McNamara, LLP
300 Montgomery Street, Suite 1100
San Francisco, California 94104**

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on June 8, 2005 at San Francisco, California.


Nancy L. Dick
Legal Assistant